

REMARKS

Claims 1-30 are pending. Claims 1, 5, 7, 12, 15, 19, 21, 26, 28 and 29 are amended. Claims 1-30 currently stand rejected.

Rejections under 35 U.S.C. 102(b)

Claims 1, 3-4, 12-13, 15, 17-18 and 26-27 stand rejected under 35 U.S.C. 102(b) as being anticipated by Boebert et al (US 5,822,435). These rejections are respectfully traversed.

Independent claims 1, 5, 7, 12, 15, 19, 21, 26 and 29 have been amended to make it more clear that the claimed method and system involves two operating systems (*i.e.*, execution environments) running concurrently on a system, one of which is a “nexus.” The term nexus is explicitly defined in the specification at paragraph [0041] as a “‘high assurance’ operating system.” Specifically, each claim has been amended to recite “a secured execution environment and a second execution environment *operating concurrently on the system, the secured execution environment comprising a nexus and the second execution environment comprising a different operating system*” (emphasis added). In order to anticipate a claim, the reference must teach every element of the claim. The Office Action appears to assert that the Boebert et al reference teaches this feature in Col 5 of the reference, however, it does not.

The Boebert et al reference in Col 5 discloses a single operating system with two modes; a normal mode and a trusted mode. When in normal mode, the user may connect with non-secure network systems and perform operations that do not require validation or a trusted relationship between computer systems. In trusted mode, the operating system locks out non-trusted computer systems and network relationships to protect the trusted pathway such that the user may operate on sensitive, trusted data without the fear of this data being discovered or usurped by outside agents. However, this is not the same as the instant invention.

Boebert et al discloses a single operating system with two paths, non-trusted and trusted, and the ability to switch between the two, performing operations in first one, then the other, but not performing concurrent operations. There is no disclosure, explicit or implied,

for “a second execution environment operating concurrently on the system” where the “second execution environment” comprises “a nexus [*i.e.*, a “high availability” operating system”] and the second execution environment comprising a different operating system” as recited in the independent claims. Rather, the Boebert et al reference makes clear in Col 5, lines 28-33 that the operating modes are “either/or”, not concurrent. Thus, the Boebert et al reference does not disclose or teach the features recited in claims 1, 5, 7, 12, 15, 19, 21, 26 and 29 and therefore cannot anticipate those claims. Accordingly, reconsideration and allowance are respectfully requested.

Inasmuch as claims 2-4, 6, 8-11, 13-14, 16-18, 20, 22-25, 27-28, and 30 each depend from one of independent claims 1, 5, 7, 12, 15, 19, 21, 26 and 29, those claims are allowable for at least the same reasons shown for claims 1, 5, 7, 12, 15, 19, 21, 26 and 29. Accordingly, reconsideration and allowance are respectfully requested.

Regarding the Rejections under 35 U.S.C. §103

Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boebert et al (US 5,822,435) in view of Janssen et al, (US 6,512,529), and claims 5-6, 7-8, 10-11, 14, 19-20, 21-22, 24-25 and 28-30 are rejected in further view of Ye et al (Ye, “Trusted paths for browsers: An open-source solution to web spoofing”, Feb 4, 2002). These rejections are respectfully traversed.

Neither the Janssen et al nor the Ye et al references remedy the deficiencies of the Boebert et al reference explained above. Therefore, the combination of Boebert et al, Janssen et al, and Ye et al does not produce all the features of the independent claims 1, 5, 7, 12, 15, 19, 21, 26 and 29. Therefore, the combination of Boebert et al, Janssen et al, and Ye et al fails to provide the teachings needed to establish that claims 2, 5-6, 7-8, 10-11, 14, 19-20, 21-22, 24-25 and 28-30 are obvious. These claims are allowable for at least the reasons given above. Accordingly, reconsideration and allowance are respectfully requested.

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CONCLUSION

For the foregoing reasons, Applicants respectfully submit that the instant application is in condition for allowance.

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